

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN CHRISTINE KAUFMANN**, on February 17, 2005 at 9:35 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Christine Kaufmann, Chairman (D)
Sen. Dan Weinberg, Vice Chairman (D)
Sen. John Cobb (R)
Rep. Joey Jayne (D)
Sen. Greg Lind (D)
Rep. Penny Morgan (R)

Members Excused: Rep. Walter McNutt (R)

Members Absent: None.

Staff Present: Pat Gervais, Legislative Branch
Laura Good, Committee Secretary
Lois Steinbeck, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: Senior and Long Term Care (SLTC) DP 3403, SLTC DP 21, SLTC Home and Community Based Services (HCBS) Waiver, SLTC Bed Tax, Reconsideration and new action on Addictive and Mental Disorders Division (AMDD) DP 70, SLTC Language Amendment, SLTC DP 16

CHAIR REP. CHRISTINE KAUFMANN, HD 81, HELENA, called the meeting to order.

{Tape: 1; Side: A; Approx. Time Counter: 1 - 15}

Mr. David Ewer, Executive Budget Director, provided and discussed Governor Judy Martz's Budget and Governor Brian Schweitzer's Budget, presenting information on Governor Schweitzer's proposed I-149 budget and the implications of the legal analysis provided by Mr. Greg Petesch, Legislative Code Commissioner.

[EXHIBIT\(jhh39a01\)](#)

[EXHIBIT\(jhh39a02\)](#)

Responding to **SEN. JOHN COBB, SD 9, AUGUSTA, Ms. Steinbeck** stated that a legislative request has been given to the Department of Public Health and Human Services (DPHHS), regarding preparation of amendments that would support the Governor's proposed I-149 spending. She agreed to provide copies shortly.

{Tape: 1; Side: A; Approx. Time Counter: 17.5}

Mr. Jim Ahrens, Tobacco Alliance representative, told the committee that the Alliance has always agreed with what Mr. Petesch has confirmed through his legal analysis.

Ms. Steinbeck provided copies of the DPHHS-prepared amendments, as promised.

[EXHIBIT\(jhh39a03\)](#)

Ms. Steinbeck provided and discussed a document entitled, "Medicaid Nursing Home Costs and Waiver Increase - Original and Revised Executive Budget Compared to Legislative Fiscal Division (LFD) Estimates."

[EXHIBIT\(jhh39a04\)](#)

Mr. Chappuis provided and discussed a document entitled, "DPHHS Medicaid Caseload Change Summary - February 17, 2005."

[EXHIBIT\(jhh39a05\)](#)

{Tape: 1; Side: B}

Ms. Steinbeck explained fiscal ramifications of committee action on LFD projections regarding nursing home caseload and increased waiver services. She also discussed the effects of HB 705 rate increase administration on the nursing home rate, and requested

Department cooperation in making HB 705 more accessible to advocates, state staff, and lawmakers.

Mr. John Chappuis, Deputy Director, Department of Public Health and Human Services (DPHHS), stated that DPHHS would be a willing partner in such efforts. He also told the committee that Ms. Kelly Williams, Administrator, Senior and Long-Term Care (SLTC) Division, could answer questions about the differences between DPHHS and LFD nursing home bed day projections.

{Tape: 1; Side: B; Approx. Time Counter: 5.8}

Ms. Steinbeck further discussed Exhibit 4 and went on to describe why she is not in agreement with DPHHS projections regarding days of care. She stated that if the committee accepts LFD numbers and DPHHS numbers prove to be more accurate, DPHHS will experience a \$400,000 general fund shortfall over the course of the biennium.

Mr. Chappuis explained why DPHHS' projections are larger than the LFD's.

Ms. Steinbeck directed the committee to related information on Page B-175 of the Budget Analysis.

EXECUTIVE ACTION ON SENIOR AND LONG-TERM CARE
REMAINING DECISION PACKAGES, WAIVER AND RATE ISSUES

Motion/Vote: SEN. LIND moved SLTC DP 3403 BE ADOPTED. Motion carried unanimously by voice vote. REP MCNUTT voted by proxy.

REP. MORGAN suggested that the committee half the difference between DPHHS and LFD nursing home caseload estimates, and act on this figure.

Ms. Steinbeck noted that **SEN. COBB** supported a similar motion in a previous legislative session.

{Tape: 1; Side: B; Approx. Time Counter: 13.8}

Responding to **SEN. LIND**, **Mr. Chappuis** discussed measures that DPHHS has taken in the past to absorb and deal with fund shortfalls.

Responding **SEN. COBB's** request that DPHHS use any possible bed days funds surplus toward waiting list services, **Mr. Chappuis** encouraged the committee to designate any surplus funds as waiver slot support money.

Prompted by **SEN. COBB, Ms. Steinbeck** discussed reasons why she believes there will be a steady decline in bed days.

Motion/Vote: SEN. LIND moved that SLTC DP 21 WITH LFD CASELOAD ESTIMATES BE ADOPTED. Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 22}

Ms. Steinbeck and **Mr. Chappuis** discussed their varying viewpoints regarding DP 81 and related LFD issues on Page B-185.

Motion/Vote: SEN. COBB moved that \$385,142 GENERAL FUND BE APPROPRIATED FOR THE SLTC HCBS WAIVER, AND THAT FUNDS BE ALLOCATED YEARLY IN THE SAME PROPORTION AS DP 81 FUNDS ALLOCATION. Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 25}

Motion/Vote: REP. KAUFMANN moved that COMMITTEE LFD STAFF CONTINUE TO WORK WITH DPHHS AND NURSING HOME REPRESENTATIVES TO ENSURE THAT RATE INCREASES FUNDED THROUGH THE NURSING HOME RATE ADD-ON ARE CHARACTERIZED ACCURATELY, INCLUDED AND FUNDED IN THE DPHHS BUDGET. Motion carried unanimously by voice vote. REP. MCNUTT voted by proxy.

{Tape: 2; Side: A}

EXECUTIVE ACTION ON COMMITTEE BILL REGARDING
TOBACCO TAX REVENUE USAGE

Motion: SEN. COBB moved that CREATION OF A COMMITTEE BILL, PER EXHIBIT 3, BE ADOPTED.

Discussion:

Responding to **REP. MORGAN, Ms. Steinbeck** stated that she had looked only very briefly at the committee bill.

Mr. Chappuis discussed bill language contained in Exhibit 3.

Vote: Motion failed 2-5 by roll call vote with SEN. COBB and REP. JAYNE voting aye. REP. MCNUTT voted by proxy.

CHAIR KAUFMANN discussed the authorization of federal funds for crisis stabilization center staff positions, as detailed in Addictive and Mental Disorders Division (AMDD) DP 70.

Ms. Steinbeck directed the committee to Page B-216 through B-217 in the Budget Analysis.

EXECUTIVE ACTION ON ADDICTIVE AND MENTAL DISORDERS DP 70

Motion/Vote: REP. KAUFMANN moved RECONSIDERATION OF ACTION ON AMDD DP 70. Motion carried 6-1 by voice vote with REP. JAYNE voting no. REP. MCNUTT voted by proxy.

Motion/Vote: REP. KAUFMANN moved AMDD DP 70, WITH LANGUAGE DIRECTING ONE STAFF PERSON DURING THE FIRST YEAR AND AN ADDITIONAL SECOND STAFF PERSON IN THE SECOND YEAR TO WORK ON CRISIS STABILIZATION CENTERS. Motion carried 6-1 by voice vote with REP. JAYNE voting no. REP MCNUTT voted by proxy.

Ms. Gervais provided and discussed information regarding "Request for Technology Specialist for blind or visually impaired individuals," and an email message entitled, "Bipartisan Senate Welfare Committee discussions/conference wrap-up."

EXHIBIT (jhh39a06)

EXHIBIT (jhh39a07)

{Tape: 2; Side: A; Approx. Time Counter: 14.6}

At the request of **CHAIR KAUFMANN**, **Ms. Steinbeck** discussed contingency language regarding Montana Veterans' Homes appropriations.

Prompted by follow-up questions from **CHAIR KAUFMANN**, **Ms. Kelly Williams, Administrator, SLTC**, explained how SLTC has historically made use and would in the future make use of contingency fund monies.

**EXECUTIVE ACTION ON SENIOR AND LONG-TERM CARE LANGUAGE AMENDMENT
NUMBER 2, PER EXHIBIT 10**

Motion/Vote: REP. KAUFMANN moved that SLTC LANGUAGE AMENDMENT NUMBER 2, PER EXHIBIT 10, WEDNESDAY, FEBRUARY 16, 2005, BE ADOPTED. Motion carried unanimously by voice vote. REP. MCNUTT and REP. JAYNE voted by proxy.

EXECUTIVE ACTION ON SENIOR AND LONG-TERM CARE DP 16

Ms. Steinbeck discussed SLTC DP 16 - Personal Care Assistance, a Medicaid caseload component upon which the committee has not yet voted. She stated that she did not have any related LFD issues to bring to the committee.

Motion/Vote: REP. MORGAN moved that SLTC DP 16 BE ADOPTED.

Motion carried unanimously by voice vote. REP. MCNUTT and REP. JAYNE voted by proxy.

ADJOURNMENT

Adjournment: 10:55 A.M.

REP. CHRISTINE KAUFMANN, Chairman

LAURA GOOD, Secretary

CK/lg

Additional Exhibits:

EXHIBIT ([jhh39aad0.PDF](#))